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PATENT COOPERATION TREATY

PCT/DE2003/004252



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002.0045PWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/004252	International filing date (<i>day/month/year</i>) 31 December 2003 (31.12.2003)	Priority date (<i>day/month/year</i>) 02 January 2003 (02.01.2003)
International Patent Classification (IPC) or national classification and IPC A61C 13/00		
Applicant SIRONA DENTAL SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 02 August 2004 (02.08.2004)	Date of completion of this report 15 October 2004 (15.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-17 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-13 _____, filed with the letter of _____ 28 July 2004 (28.07.2004)
- ☒ the drawings:
pages _____ 1/6-6/6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 13	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 13	YES
	Claims		NO

2. Citations and explanations

US-A-6 126 445 (D1), which is considered to represent the prior art closest to the subject matter of claim 1, discloses a process for automatic creation of a dental superstructure for connecting to an implant using digital modelling, comprising the following steps:

- digitally record an actual or a modelled clinical picture of the implant (column 50, lines 35-45);
- analyse this picture and determine the axis of the implant (column 50, lines 45-53);
- calculate the optimum form of the superstructure (column 50, lines 58-65);
- produce the individual parts using a machining device from at least one blank (11) on the basis of the digital record.

The subject matter of claim 1 thus differs from the known process in that the superstructure is automatically separated into abutment and crown.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem addressed by the present invention may

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therefore be considered that of automatically shaping the abutment.

None of the citations teaches automatic separation of the superstructure and the subject matter of claim 1 consequently involves an inventive step (PCT Article 33(3)).

Claims 2-13 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and independent step.

Claims 1-13 meet the PCT requirements for industrial applicability (PCT Article 33(4)).